

REMARKS

In response to the Office Action mailed December 13, 2004, Applicant respectfully requests reconsideration.

As a preliminary matter, Applicant notes with appreciation that Applicant's request for reconsideration of the finality of the rejection of the last Office Action is persuasive and therefore the finality of the previous Office Action has been withdrawn.

Claims 1, 3 and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gore et al. According to the Office Action, Gore discloses an audio/visual reproduction system in Figure 9 comprising audio visual source 20 as first circuitry and outputting a first audio signal, amplifier/attenuator 2 for generating a second audio signal, second circuitry for receiving the second audio signal (audio output 3) and generating a third audio signal, and feedback circuitry including rectifier 102 for determining a root mean square value (see Figure 11) and comparator 106. Applicant respectfully traverses this rejection.

Claim recites a circuit for processing broadcast signals, comprising, *inter alia*, "first circuitry for receiving a broadcast signal and processing the broadcast signal to extract and output a first audio signal". Contrary to the Office Action, element 20 in Figure 9 of Gore is an "audio visual source". The audio visual source suggests a means for generating, and not receiving, audio and visual signals, as claimed in claim 1. Furthermore, claim 1 recites that the audio signal is extracted from the broadcast signal. Clearly, the audio visual source 20 in Figure 9 of Gore does not perform these functions and merely generates an audio visual stream to the game unit 2.

Claim 1 further recites, *inter alia*, "second circuitry for receiving the second audio signal and one of attenuating and amplifying the second audio signal based upon a second control signal to generate a third audio signal". The Office Action argues that the audio output 3 in Gore meets this limitation. However, contrary to the Office Action, there is no disclosure in Gore that the audio output 3 is capable of either attenuating or amplifying the received second audio signal.

Instead, the audio output 3 is merely an output device that can be connected to a loudspeaker (for reproducing the audio signal-see, for example, column 3, lines 3-5). Thus, there is no second circuitry that is capable of attenuating or amplifying the received second audio signal as claimed in claim 1.

Claim 1 further recites “feedback circuitry for generating the first control signal based upon the second audio signal, the feedback circuitry including third circuitry for receiving the second audio signal and determining a root means square (RMS) value of the second audio signal and providing an output signal based upon the RMS value”. The Office Action states that the embodiments shown in Figure 11 or Gore teach determining root mean square value. Contrary to the Office Action, there is no teaching in Gore in relation to the Figure 11 embodiment that a root mean square value is produced. The only references to an RMS value in Gore is at column 5, line 43, which is merely concerned with providing an equivalent RMS voltage level representation and is unrelated to the Figure 11 embodiment.

In view of the foregoing remarks, claim 1 clearly distinguishes over Gore et al. and withdrawal of the rejection under 35 U.S.C. 102(e) is therefore respectfully requested.

Claims 3-16 depend from claim 1 and are allowable for at least the same reasons.

Claim 17 recites a method for processing broadcast signals comprising the steps of receiving a broadcast signal and processing the broadcast signal to extract and output a first audio signal, attenuating the first audio signal to generate a second audio signal based upon a first feedback control signal, and one of attenuating and amplifying these second audio signal based upon a second control signal to generate a third audio signal, wherein the step of attenuating the first audio signal includes determining a root means square (RMS) value of the second audio signal and providing an output signal that is based upon the RMA value, and comparing the output signal with at least one reference signal to generate the first feedback control signal.

Serial No.: 09/047,252
Conf. No.: 3048

- 4 -

Art Unit: 2644

As discussed above in connection with claim 1, the limitations of claim 17 are not taught or suggested by Gore et al. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) of claim 17 is respectfully requested.

Claims 19-21 depend from claim 17 and are allowable for at least the same reasons.

CONCLUSION

In view of the foregoing remarks a Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Pascal MELLOTT, Applicant(s)

By: 

James H. Morris, Reg. No. 34,681
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: S1022.80047US00
Date: March 14, 2005
x03/13/04x